

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No.19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KAZUNARI SUGITA

Appeal No. 2000-1317
Application No. 08/913,282

ON BRIEF

Before THOMAS, JERRY SMITH, and GROSS, Administrative Patent Judges.

GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 and 11 through 13.

Appellant's invention relates to a portable display device for displaying information read from an IC card. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A portable display device for displaying data read out

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The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Pitroda	5,590,038	Dec. 31, 1996
Abe et al. (Abe)	5,686,714	Nov. 11, 1997
		(filed Aug. 31, 1995)
Shinsha	JP 62-159157	Jan. 06, 1989

Claims 1 and 11 through 13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Abe in view of Pitroda and Shinsha.

Reference is made to the Final Rejection (Paper No. 10, mailed August 10, 1999) and the Examiner's Answer (Paper No. 15, mailed March 1, 2000) for the examiner's complete reasoning in support of the rejection, and to appellant's Brief (Paper No. 14, filed January 12, 2000) and Reply Brief (Paper No. 16, filed May 1, 2000) for appellant's arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 and 11 through

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data. The examiner asserts (Final Rejection, page 3) that in view of Pitroda's teaching to display historical data of a transaction from an IC card to eliminate the need for paper transactions, it would have been obvious to display such historical data in Abe's display. Further, as Shinsha teaches alternating between two items for display when only a small display area is available, the examiner contends that it would have been obvious to alternate between the two types of data, the balance data of Abe and the transactional data of Pitroda.

Appellant argues (Reply Brief, page 4) that Pitroda discloses displaying transaction data to eliminate paper "only in the context of credit or bank card transactions with multiple credit and/or bank cards," not with IC cards. We agree. There is nothing in any of the references that suggests that there are papers to be eliminated in the use of IC cards. More importantly, however, appellant argues (id.) that there is "no motivation disclosed in any of the references to display both transactional data and balance data substantially concurrently." We agree. None of the references suggest that one would need or

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two types of data at substantially the same time. Accordingly,
the combination of Abe, Pitroda, and Shinsha fails to render the
claims obvious, and we cannot sustain the rejection.

CONCLUSION

The decision of the examiner rejecting claims 1 and 11
through 13 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
JERRY SMITH)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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)	
ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

apg/vsh

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